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17 Attorneys for Defendants
18 Candide Group, LLC and Morgan Simon

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20 IN THE UNITED STATES DISTRICT COURT
21 FOR THE NORTHERN DISTRICT OF CALIFORNIA
22 SAN FRANCISCO DIVISION

23 CORECIVIC, INC.,

24 Plaintiff,

25 v.

26 CANDIDE GROUP, LLC and MORGAN
SIMON,

27 Defendants.
28

Case No. 4:20-cv-03792-WHA

**L.R. 6-1: STIPULATION AND
~~PROPOSED~~ ORDER REGARDING
DEADLINE FOR DEFENDANTS'
MOTION FOR ATTORNEYS' FEES
UNDER C.C.P. § 425.16**

Action filed: March 4, 2020
Trial date: None set.

STIPULATION

WHEREAS, on August 6, 2020, Defendants Candide Group, LLC and Morgan Simon (together, “Defendants”) filed a Special Motion to Strike the Complaint of Plaintiff CoreCivic, Inc. (“Plaintiff”) pursuant to California Code of Civil Procedure (“C.C.P.”) § 425.16 (Dkt. 41); and

WHEREAS, C.C.P. § 425.16(c)(1) provides that “a prevailing defendant on a special motion to strike shall be entitled to recover his or her attorney’s fees and costs”; and

WHEREAS, on November 19, 2020 this Court entered an Order Granting Motion to Dismiss (Dkt. 60) and entered judgment in favor of Defendants on the same day (Dkt. 61);

WHEREAS, Plaintiff has filed a Notice of Appeal and expressly preserves all of its rights and does not waive any of its rights, including any and all claims of error with respect to the district court’s rulings, including but not limited to the district court’s Order Granting Motion to Dismiss (Dkt. 60) and Judgment for Defendants (Dkt. 61);

WHEREAS, the parties have agreed to extend Local Rule 54-5’s presumptive 14-day deadline for filing a motion for attorneys’ fees and costs and to extend the briefing schedule for that motion; and

WHEREAS, the parties have agreed that CoreCivic’s agreement to extend Local Rule 54-5’s presumptive 14-day deadline for filing a motion for attorneys’ fees and costs shall not be construed as an agreement by CoreCivic that C.C.P. § 425.16 *et. seq.* is applicable in this case and shall not be construed as a waiver by CoreCivic of the argument that C.C.P. § 425.16 *et. seq.* does not apply in this case;

NOW, THEREFORE, the parties, by and through their undersigned attorneys, hereby stipulate and agree that Defendants’ motion for attorneys’ fees and costs under C.C.P. § 425.16(c)(1) shall be filed on or before December 19, 2020, Plaintiff’s response to that motion shall be filed on or before January 14, 2021, and Defendants’ reply in support of that motion shall be filed on or before January 28, 2021.

Dated: December 2, 2020

DAVIS WRIGHT TREMAINE LLP
THOMAS R. BURKE
ABIGAIL B. EVERDELL (*pro hac vice*)

By: /s/ Thomas R. Burke
THOMAS R. BURKE

Attorneys for Defendants
Candide Group, LLC and Morgan Simon

Dated: December 2, 2020


CLARE LOCKE LLP
ELIZABETH M. LOCKE, P.C. (*pro hac vice*)

By: /s/ Elizabeth M. Locke, P.C.
ELIZABETH M. LOCKE, P.C.

Attorneys for Plaintiff CoreCivic, Inc.

~~[PROPOSED]~~ ORDER

Pursuant to Stipulation, it is SO ORDERED.



Hon. William H. Alsup
United States District Court Judge

FILER ATTESTATION

Pursuant to Northern District Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from all signatories.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct. Executed on this 2nd day of December, 2020 at San Francisco, California.

/s/ Thomas R. Burke

Thomas R. Burke